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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,541	09/20/2001	Paul N. Weinberg	05711.917	5876
36067	7590	10/17/2005		
DALINA LAW GROUP, P.C. 7910 IVANHOE AVE. #325 LA JOLLA, CA 92037			EXAMINER VAUGHN, GREGORY J	
			ART UNIT 2178	PAPER NUMBER
DATE MAILED: 10/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/960,541

Applicant(s)

WEINBERG ET AL.

Examiner

Gregory J. Vaughn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 67-93 and 136-171 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 67-93 and 136-171 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Action Background***

1. This action is responsive to the applicant's response filed on 8/2/2005.
2. Applicant elected to prosecute claims 67-93 and 136-171 in the response filed 1/10/2005. Applicant has failed to cancel non-elected claims 1-66 and 94-135. Currently, this application contains claims 1-66 and 94-135 drawn to an invention nonelected without traverse in the response filed 8/2/2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
3. Claims 67-93 and 136-171 are pending in the case. Claims 67 and 136 are independent claims

### ***Priority***

4. As previously noted, applicant's claim for domestic priority of US provisional application 60/234,015, filed 9/20/2000, under 35 U.S.C. 119(e) is acknowledged.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*"A person shall be entitled to a patent unless –*

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."*

6. Claims 67-93 and 136-171 remain rejected under 35 U.S.C. 102(b) as being anticipated by Pearson, *Excel Version 5 for Windows, Special Edition*, published in 1993 by Que Corporation (hereinafter Pearson).

7. **Regarding independent claim 67**, Pearson discloses family data in the form of a group of records related by a common value in Figure 36.1 on page 984 (the common value shown as the "Jan-94" value in the "Period" column). Pearson also discloses in Figure 36.1 the family data as a hierarchical structure defined by a partition (see values in the "Region" column of the figure). Pearson discloses generating and presenting the family data table in Figure 36.4 on page 986 (shown as "Sum of Sales" pivot table). Pearson also discloses in Figure 36.4 obtaining a pivot value from a user, where the pivot value comprises data associated with the family table (shown as the "Product" drop down list with the "Nut Crunchies" value selected by the user). Pearson discloses storing pivot values independent of the family data in Figure 36.9 on page 990 (shown "External Data Source"). Pearson discloses dynamically

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applying the pivot value to the family table during a pivot operation to generate and present (i.e. display) a preview table in Figure 36.4.

8. **Regarding dependent claim 68 and 69**, Pearson discloses obtaining an additional pivot value (claim 68) or a different pivot value (claim 69) in Figures 37.2 and 37.3 on page 1013, where the additional or different pivot value is dynamically applied, and the preview table is regenerated.
9. **Regarding dependent claim 70**, Pearson discloses the real time execution of the applied pivot value in Figure 36.4 on page 986.
10. **Regarding dependent claim 71**, Pearson discloses the family data having category information and using the category information to create the partition in Figure 36.4 on page 986 (category shown as "*Region*" with the hierarchy shown as the region values).
11. **Regarding dependent claim 72 and 73**, Pearson discloses the ability to define additional partitions (claim 72) on any level of the hierarchy (claim 73) in Figures 37.2 and 37.3 on page 1013 (the result shown as "*Clayton Total*" in Figure 37.3).
12. **Regarding dependent claim 74**, Pearson discloses in Figure 36.12 on page 993 obtaining layout information from the user.
13. **Regarding dependent claim 75**, Pearson discloses in Figure 36.4 on page 986 the layout information comprises properties associated with child

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nodes of the hierarchy (shown as the hierarchy of "*Region*" with child nodes of "*North Central*", "*Northwest*" etc.).

14. **Regarding dependent claim 76**, Pearson discloses in Figure 36.16 on page 995 overriding the inheritance properties on a node-by-node basis (shown as the editing of the heading cells in the figure).
15. **Regarding dependent claim 77**, Pearson discloses the reduction of redundant information (shown in Figure 36.1 on page 984) with the pivot operation (as shown in Figure 36.4 on page 986. Note how the redundant Region information of Figure 36.1 is reduced in Figure 36.4).
16. **Regarding dependent claims 78-82**, Pearson discloses the use of a stack pivot (claims 78 and 79) a horizontal pivot (claims 80 and 81) and a vertical pivot (claim 82) on Page 992 in step 2. Compare "*stack pivot*" to "*page filtering*", compare "*horizontal pivot*" to "*row area*" and "*vertical pivot*" to "*column area*".
17. **Regarding dependent claim 83**, Pearson discloses in Figure 36.23 on page 1001 identifying a pivot axis corresponding to a pivot value (shown as the "*Region*" pivot value), where the pivot value is removed from the table (i.e. the "*Region*" pivot value is removed), and then generating sub-tables (shown as "*PRODSALEXLS:1*", "*PRODSALEXLS:2*", "*PRODSALEXLS:3*" and "*PRODSALEXLS:4*" sub-tables).

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18. **Regarding dependent claims 84 and 85**, Pearson discloses on page 992 at step 2, that the pivot axis can be oriented to the row (claim 84) or column (claim 85) dimensions of the pivot table.
19. **Regarding dependent claim 86**, Pearson discloses in Figure 36.23 on page 1001 sorting of sub-tables based upon the pivot value of the pivot axis (shown as being sorted on the "*Region*" pivot axis with pivot values of "*North Central*", "*Northwest*" etc.).
20. **Regarding dependent claims 87, 89 and 92**, the claims are directed toward substantially the same subject matter as claims 78, 80 and 82, respectively, and are rejected using the same rationale.
21. **Regarding dependent claims 88, 90, 91, and 93**, the claims are directed toward substantially the same subject matter as claims 79 and 81, respectively, and are rejected using the same rationale.
22. **Regarding claims 136-171**, the claims are directed toward substantially the same subject matter as claims 67-93, and are rejected using the same rationale.

**Response to Arguments**

23. Applicant's arguments filed 8/2/2005 have been fully considered but they are not persuasive.

24. **Regarding independent claim 67**, the applicant states: *"the Examiner has not shown the reference to comprise the elements of the first claim element of claim 67, namely "wherein said family data comprises a subset of a hierarchical structure defined by a partition" (page 2, third paragraph, of the response filed 8/2/2005). Applicant is directed to the rejection of claim 67, as restated above. Pearson discloses family data in the form of a group of records related by a common value in Figure 36.1 on page 984 (the common value shown as the "Jan-94" value in the "Period" column). Pearson uses the "Region" parameter to define a partition in the set of data shown in Figure 36.1. See also Figure 36.2 on page 984 where the partition has been implemented. Pearson's Figures 36.2, 36.3, 36.4 and 36.5 are all examples of partitions being applied to pivot values related to the data shown in Figure 36.1*

25. **Also regarding independent claim 67**, the applicant states: *"the reference does not teach at least the following element of Applicant's claim 67, namely "dynamically applying said at least one pivot value to said family table during at least one pivot operation, wherein said at least one pivot operation generates a first preview table of said family data wherein said group of records in said first preview table depends on said at least one pivot*



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*value*" (page 2, second paragraph, of the response filed 8/2/2005). Applicant is directed to the rejection of claim 67, as restated above. Pearson's Figure 36.4 discloses a preview table of family data (family data that is shown in Figure 36.1) that has been generated based upon the pivot value, and is dynamically generated when the pivot value is applied. In other words, if the "*Product*" pivot type is changed from "*Nut Crunchies*" (by using the drop down list control shown in the figure) to another value, say "*Fruit Sprinkles*", then the "*Fruit Sprinkles*" pivot value will be dynamically applied to the family table data (as shown in Figure 36.1) to generate a new preview table of the family data.

***Conclusion***

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn  
October 13, 2005

*William L. Bashore*  
WILLIAM BASHORE  
PRIMARY EXAMINER  
10/13/2005